

718



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/774,609	02/10/2004	Kurt Schmidt	118326	1674
25944	7590	03/10/2005	EXAMINER	
OLIFF & BERRIDGE, PLC P.O. BOX 19928 ALEXANDRIA, VA 22320			BRINSON, PATRICK F	
			ART UNIT	PAPER NUMBER
			3754	
DATE MAILED: 03/10/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/774,609

Applicant(s)

SCHMIDT, KURT

Examiner

Patrick F. Brinson

Art Unit

3754

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 10 and 12-15 is/are rejected.
- 7) ☒ Claim(s) 5-9 and 11 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 10, 12 and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by 5,950,682 to **Kiest, Jr.**

The patent to **Kiest, Jr.** discloses an apparatus for repairing the junction of a branch line and a header comprising a packer comprising a first inflatable sleeve (16) that delimits an interior space, a second inflatable sleeve (14) connected to the first inflatable sleeve, a collar region (34) disposed at the transition between the first inflatable sleeve. At least one tunnel (18) extending from an axial end region of the first inflatable sleeve within the interior space and at least one feed line (58) disposed in the tunnel for delivering a sealing material to a desired location, as recited in claim 1. The first inflatable sleeve (16) contacts an interior wall of the header (60) when in an inflated state and the second inflatable sleeve (14) protrudes from the first sleeve and contacts an interior wall of the branch line (62) when in an inflated state, as recited in claim 2. The packer includes a drawing element (32) disposed in the interior space

having a first end connected to the second inflatable sleeve for drawing the second inflatable sleeve into the interior space by inversion when the interior space delimited by the first inflatable sleeve is deflated, as recited in claim 10. The packer is coupled to a vehicle for positioning it within the header, as recited in claim 12.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 3, 4, 14 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over '682 **Kiest, Jr.** in view of 6,276,398 to **Lange**.

The patent to **Kiest, Jr.** discloses the recited structure with the exception of inflating the sleeves through the introduction of compressed air and providing a camera within the first inflatable sleeve. The patent to **Lange** discloses an inflatable packer for repairing conduits including, figs. 7-11, a first inflatable sleeve (330) and a second inflatable sleeve (331), where upon inflation the first sleeve contacts an inside wall of header and the second inflatable sleeve contacts an inside of the branch line

when inflated. **Lange** discloses the use of compressed air from air pump unit (90).

Lange also discloses the use of a camera (22) that is shown on the second inflatable

bladder, but col. 5, lines 53-55 discloses an inner tray (31) provided in a recess

compartment for storing the camera before inflation of the sleeves. Col. 6, lines 39-

43, discloses that a camera may be directly provided onto the inner tray (31) or

control rod of the packer to allow for precise location of the rupture and the

subsequent ability to repair that rupture immediately, thus allowing for a 100%

accurate placement of the packer at the point of repair. It would have been obvious

to one having ordinary skill in the art at the time the invention was made to substitute

for fluid of **Kiest, Jr.**, compressed air and to provide to the device of **Kiest, Jr.** a

camera located within the first inflatable sleeve, both as suggested by **Lange** in order

to alternatively inflate the sleeves, wherein both means of inflation are known in the

art to inflate the sleeves and to accurately locate the rupture or branch line.

Allowable Subject Matter

3. Claims 5-9 and 11 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The patents to Taylor, Wood et al., Wood '629, '481, Schreiner et al., Polivka et al., Tweedie et al., '725 and '726 are all pertinent to Applicant's invention in disclosing inflatable pipe repair packers.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Patrick F. Brinson** whose telephone number is (571) 272-4897. The examiner can normally be reached on M-F 7:30-3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Michael Y. Mar** can be reached on (571) 272-4906. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Application/Control Number: 10/774,609

Page 6

Art Unit: 3754

A handwritten signature in black ink, reading "Patrick F. Brinson". The signature is written in a cursive, flowing style with a large initial "P".

Patrick F. Brinson

Primary Examiner

Art Unit 3754

P. F. Brinson

March 7, 2005